

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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Order Filed on December 13, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

In Re:

Kenneth R. Witman and Lauren A. Witman

Case No.: 13-12236

Chapter: 13

Hearing Date: \_\_\_\_\_

Judge: Kathryn C. Ferguson

**ORDER APPROVING LOAN MODIFICATION**

The relief set forth on the following pages, numbered two (2) through \_\_\_\_\_ is  
**ORDERED.**

DATED: December 13, 2017

  
Honorable Kathryn C. Ferguson  
United States Bankruptcy Judge

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IN RE:

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

KENNETH R WITMAN AND  
LAUREN A WITMAN, DEBTORS

CASE NO.: 13-12236-KCF  
CHAPTER 13

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### ORDER APPROVING LOAN MODIFICATION

The relief set forth on the following page, numbered two (2), is hereby **ORDERED**.

THIS MATTER having come before the Court upon the Secured Creditor's Notice of Motion for an Order approving a loan modification agreement, and Court having examined the evidence presented, and for good cause shown, it is hereby **ORDERED** as follows:

1. The Court hereby authorizes Secured Creditor and the debtor(s), to enter into a loan modification.
2. The loan modification agreement between the Secured Creditor and the Debtor, attached as an Exhibit to the Secured Creditor's motion, is approved.
3. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Secured Creditor shall amend the arrearage portion of its Proof of Claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification.
4. The Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of loan modification and all money that would otherwise be paid to secured creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the secured creditor that the modification was not consummated.

5. In the event the modification is not consummated, the secured creditor shall notify the Trustee and debtor's attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to secured creditor.
6. In the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.
7. Debtors shall file an amended Schedule J and Modified Plan within twenty (20) days of this order.
8. With respect to any post-petition orders, claims for post-petition mortgage arrears, and orders for creditor's attorney's fees which are being capitalized into the loan, secured creditor will amend any and all post-petition orders or claims within 30 days after completion of the loan modification.
9. The attorney's fees associated with the Secured Creditor's filing of this motion, in the amount of \$350.00 are deemed recoverable from the Debtor.
10. Communication and/or negotiations between Debtor and mortgagees/ mortgage servicers about the loan modification, and the recording of the loan modification, shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against other in any subsequent litigation.